

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**IN RE: JOHNSON & JOHNSON
TALCUM POWDER PRODUCTS
MARKETING, SALES PRACTICES
AND PRODUCTS LIABILITY
LITIGATION**

MDL No. 16-2738
Judge Freda L. Wolfson
Magistrate Judge Lois H. Goodman

Case No.: 3:16-MD-02738-FLW-LHG

**[PROPOSED]
ORDER GRANTING
PRELIMINARY INJUNCTION
AND PROTECTIVE ORDER**

[ORAL ARGUMENT REQUESTED]

This matter having been brought before the Court by Drinker Biddle & Reath LLP, attorneys for Johnson & Johnson and Johnson & Johnson Consumer Inc. (collectively, “J&J Plaintiffs”), by way of Notice of Motion seeking an order granting a preliminary injunction pursuant to Fed. R. Civ. P. 65 and Local Rule 65.1 and a protective order pursuant to Fed. R. Civ. P. 26 whereby this Court will take constructive possession and control of certain historical artifacts owned and in the possession of the J&J Defendants and their counsel that may contain evidence related to the claims pertaining to Johnson’s® Baby Powder, maintaining the status quo until a procedure regarding the fair allocation among thousands of litigants in these MDL actions and others across the country may be implemented regarding the need for destructive testing of the limited amount of materials that may be

contained within the artifacts, and the Court having reviewed any opposition and further filings in support thereof, and the Court finding good and sufficient reasons to issue temporary restraints and a protective order, and for other good cause shown;

IT IS ON THIS _____ day of August, 2017,

ORDERED that this Court assumes constructive possession and absolute control over the historical artifacts identified in Exhibits A and B hereto (the “Artifacts”), which Artifacts are to remain the possession and custody of the J&J Defendants and their counsel in their present condition pending further order of this Court establishing a uniform and orderly process of allocating a portion of the contents of the Artifacts for destructive testing by parties involved in actions against the J&J Defendants is issued;

FURTHER ORDERED that no action may be undertaken regarding the Artifacts without approval and consent upon further order of this Court;

FURTHER ORDERED that any interested person or party is preliminarily enjoined from demanding or taking samples of any materials which may be contained in the Artifacts pending further order of this Court establishing a uniform and orderly process of allocating a portion of the contents of the Artifacts for destructive testing by parties involved in actions against the J&J Defendants is issued;

FURTHER ORDERED that any interested person, court or party is preliminarily enjoined from instituting or prosecuting any proceeding in any state or the United States court affecting the Artifacts pending further order of this Court establishing a uniform and orderly process of allocating a portion of the contents of the Artifacts for destructive testing by parties involved in actions against the J&J Defendants is issued.

EXHIBIT A

Object Number	Place of Distribution	Place of Origin	Dated	Medium	Dimensions
2014.001.0082	Argentina		1979		
2014.001.0086	Argentina		1978		
2014.001.0124	Australia	Australia	1975		
2014.001.0145	Australia		1983-1989		
2014.001.0421	Belgium	Italy			
2014.001.0499	China				
2014.001.0612	Canada		1977		
2014.001.0690	Brazil		1979		
2014.001.0887	Dominican Republic	Dominican Republic			
2014.001.0939	Great Britain	England		plastic	4.875 h. x 2.0625 diam.
2014.001.0953	Colombia				
2014.001.1363	Puerto Rico		1979	plastic; paper	7.75 h. x 2.625 w. x 2 d.
2014.001.1364	Puerto Rico			plastic; paper	7.5 h. x 2.5 w. x 2 d.
2014.001.2007	Holland	Italy	1977	plastic	
2014.001.2021	China			plastic	
2014.001.2030	Indonesia		1979	plastic	
2014.001.2108	Greece		1980	plastic	
2014.001.2120	Guatemala	Guatemala	1980	plastic	
2014.001.2436		United States	1945	metal; plastic; paper	4.1875 h. x 2.8125 w. x 2.8125 d.
2014.001.2437		United States	1945	metal; plastic; paper	5.1875 h. x 2.375 w. x 2.375 d.
2014.001.2438		United States	11/15/1943	cardboard; plastic; paper	5.5 h. x 2.5 w. x 2.5 d.

2014.001.2439		United States	1957	metal; plastic; paper	5.75 h. x 2.4375 w. x 2.4375 d.
2014.001.2441		United States	1896	metal; paper	3 h. x 1.8125 w. x 1.8125 d.
2014.001.2442	Great Britain	Great Britain		metal	1.9375 h. x 1 w. x 1 d.
2014.001.2444		United States		metal	1.75 h. x 1.0625 w. x 1.0625 d.
2014.001.2445		United States		metal; paper	3.5625 h. x 1.8125 w. x 1.8125 d.
2014.001.2447		United States	1942	cardboard	4.1875 h. x 1.9375 diam.
2014.001.2449		United States		metal	3.625 h. x 1.375 w. x 1.375 d.
2014.001.2450		United States		metal; paper	3.5625 h. x 1.875 w. x 1.875 d.
2014.001.2451		United States	1896-1912	metal; plastic; paper	3.5 h. x 1.75 w. x 1.75 d.
2014.001.2452		United States	1910	metal; plastic; paper	3.5 h. x 1.75 w. x 1.75 d.
2014.001.2453		United States	1940-1943	metal; plastic; paper	4.1875 h. x 1.75 w. x 1.75 d.
2014.001.2454		United States	1/28/1944	cardboard; plastic; paper	5.4375 h. x 3.625 diam.
2014.001.2455		United States	1970		
2014.001.2456		United States	1962		
2014.001.2457					
2014.001.2458	Mexico				
2014.001.2459	Switzerland		1987		
2014.001.2460		United States	1963		
2014.001.2461	Canada	United States	2001		
2014.001.2462	United Kingdom	United Kingdom			
2014.001.2463		United States	1996-2003		
2014.001.2464		United States	2000-2003		
2014.001.2500		United States	1979		
2014.001.3136		United States	1966		
2014.001.3146	Japan		1970-1975		
2014.001.3157	Kenya	Kenya	1976		
2014.001.3179	Malaysia		1982		
2014.001.3191	Italy		1979		

2014.001.3201	Jamaica	Jamaica	1982		
2014.001.3214	Ireland	Ireland	1982		
2014.001.3239	India	India	1972		
2014.001.3254	Portugal	Portugal	1980		
2014.001.3298	Philippines	Philippines	1970-1980		
2014.001.3417	New Zealand		1980		
2014.001.3444	Pakistan		1978		
2014.001.3448	Pakistan				
2014.001.3454	Peru		1977		
2014.001.3468	Zambia	England	1975		
2014.001.3482	Trinidad	Trinidad	1980		
2014.001.3708	Venezuela	Venezuela	1978		
2014.001.3718	Singapore		1979		
2014.001.3787	Switzerland	Italy	1978		
2014.001.3918	Taiwan		1980-1984		
2014.001.3921	Taiwan		1982		
2014.001.3934	Thailand		1980		
2014.001.3939	Thailand		1980		
2014.001.3958	Spain				
2014.001.3976	Sweden	England	1972		
2014.001.4316	South Africa	South Africa	1980		
2014.001.5101		United States	1985		
2014.001.5102		United States	1985		
2014.001.5812	Canada	Canada		metal; paper	4 h. x 1.875 w. x 1.875 d.
2014.001.5859				cardboard	
2014.001.5862	United States	United States		metal	4 h. x 1.8125 w. x 1.8125 d.

2014.001.5863	Mexico		1930	metal	4 h. x 1.8125 w. x 1.8125 d.
2014.001.5864	Mexico		1930	metal	4 h. x 1.8125 w. x 1.8125 d.
2014.001.6011		United States	1904	cardboard	1.4375 h. x 0.9375 w. x 0.9375 d.
2014.013.0019		United States		metal	4.1875 h. x 1.875 w. x 1.875 d.
2014.013.0020		United States		metal	5.25 h. x 2.6875 w. x 2.6875 d.
2014.036.0007		United States	1963	plastic; paper	2.75 h. x 1.25 diam.
2014.036.0008		United States		metal	5.25 h. x 2.5 w. x 2.5 d.
2014.043.0001			1980		4.625 h. x 1.9375 w. x 1.5 d.
2014.045.0001		United States	1960	metal	3.5625 h. x 1.5 w. x 1.5 d.
2015.001.2201		United States	1994	metal	
2015.001.2218		United States		metal	4.25 h. x 1.875 w. x 1.875 d.
2015.001.3445		Canada		metal	4.125 h. x 1.8125 w. x 1.8125 d.
2015.001.3446		Canada	1921	metal	3.875 h. x 1.875 w. x 1.875 d.
2015.001.3447		Canada		metal	4.125 h. x 1.8125 w. x 1.8125 d.
2015.001.3448		Great Britain		metal	4.25 h. x 1.8125 w. x 1.8125 d.
2015.001.3449		Great Britain		metal	4.25 h. x 1.8125 w. x 1.8125 d.
2015.001.3450		United States		cardboard	4.375 h. x 2 diam.

EXHIBIT B

Object Description	Place of Origin	Dated	Medium	Dimensions
Johnson's Baby and Toilet Powder – Borated Talcum – square-base bottle with screw-removable cap.	Great Britain	Late 1940s	Metal	<i>Approx:</i> 4 1/4in. h. x 1 7/8in. w. x 1 7/8in. d.
Johnson's Baby Powder – round-base bottle with screw-removable cap.	England	Early 1950s	Metal	<i>Approx:</i> 4in. h. x 2 3/8in. d.
Johnson's Baby Powder – round-base bottle with screw-removable cap.	Great Britain	Late 1950s	Metal	<i>Approx:</i> 4 1/8in. h. x 2 3/8in. d.
Johnson's Baby Powder – square-base bottle with turn-top, non-removable cap – removable Disney sweepstake's label.	England	October 1966	Metal; paper label	<i>Approx:</i> 4 3/4in. h. x. 1 7/8in. w. x 1 7/8in. d.